

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HEIDI L. KELLER,

Plaintiff,

v.

S.E. & ASSOCIATES, LLC, et al.,

Defendants.

CASE NO. C22-1276JLR

ORDER

Before the court is Plaintiff Heidi L. Keller's motion to reopen the case. (Mot. (Dkt. # 5).) On October 4, 2022, the court dismissed this case with prejudice based on the parties' notification of settlement. (*See* 10/4/22 Order (Dkt. # 4).) The court allowed any party to move to reopen the case within 90 days "[i]n the event that settlement is not perfected." (*Id.* at 1.) In its present motion, Ms. Keller notifies the court that the parties have failed to perfect settlement, stating that "it only recently became apparent that Defendants were not going to voluntarily cure their default with regard to the settlement

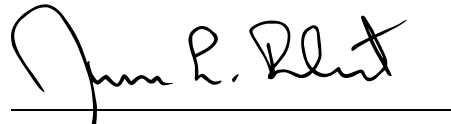
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1 and that it would be necessary to resume litigation of this case.” (Mot. at 1-2.) Thus, Ms.  
2 Keller moves the court for an order reopening the case.<sup>1</sup> (*Id.*)

3 Although Ms. Keller failed to timely move to reopen this case, the court finds that  
4 Ms. Keller has demonstrated “excusable neglect” for her untimely motion. *See* Fed. R.  
5 Civ. P. 6(b)(1)(B). Accordingly, the court GRANTS Ms. Keller’s motion to reopen the  
6 case (Dkt. # 5) and ORDERS as follows:

- 7 (1) The October 4, 2022, Order of Dismissal (Dkt. # 4) is VACATED;  
8 (2) The case is REOPENED; and  
9 (3) Ms. Keller has until April 10, 2023 to serve Defendants S.E. &  
10 Associations, LLC and Shaun Smith with the summons and complaint.

11 Dated this 7th day of February, 2023.

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14 JAMES L. ROBART  
15 United States District Judge  
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22 <sup>1</sup> Prior to Ms. Keller filing the Notice of Settlement, neither Defendant had appeared in  
this matter, nor had they been served with the summons and complaint. (*See generally* Mot. at 2;  
Dkt.) Thus, no Defendant opposes the instant motion. (*See generally* Dkt.)